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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 STEPHEN C. SCHMIDT,

8 Petitioner,

CASE NO. C19-1063-RAJ

9 v.

10 JEFFREY A. UTTECHT,

11 Respondent.

ORDER DENYING PETITIONER'S  
HABEAS PETITION WITHOUT  
PREJUDICE

12 The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's  
13 answer thereto, the Report and Recommendation of Mary Alice Theiler, United States Magistrate  
14 Judge, and the remaining record, does hereby find and Order:

15 (1) The Court adopts the Report and Recommendation;

16 (2) Petitioner's habeas petition and this action are DISMISSED, without prejudice to  
re-filing following exhaustion; and

17 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for  
respondent, and to Judge Theiler.

18 DATED this 12th day of November, 2019.

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21 The Honorable Richard A. Jones  
22 United States District Judge  
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